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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,813	09/18/2003	Gary Giegerich	9249-53U1	6619

570 7590 02/09/2005

AKIN GUMP STRAUSS HAUER & FELD L.L.P.
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103-7013

EXAMINER


WILKENS, JANET MARIE

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

 Office Action Summary	Application No. 10/665,813	Applicant(s) GIEGERICH, GARY	
	Examiner Janet M. Wilkens	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/18/2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 58'.

The drawings are also objected to because in Fig. 7, the inner member of 32 is 32c, not 32a.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For claims 1, 9, and 10, it is unclear whether or not

the "at least two frame members" are part of the plurality of frame members claimed previously.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amos in view of Licciardi and Huang. Amos teaches a cabinet (Figs. 1 and 4) comprising: a first panel (40,48), a second panel with a game board thereon (14,72; board for chess or checkers) and a four sided frame (18,50). The cabinet can be arranged either horizontally to form a game table or vertically to form a wall picture. Various game boards/second panels (44) can be mounted on the first panel in its horizontal position, various objects are storable inside the cabinet and the panels are removable thereby forming an open-topped box suitable for other games such as dice, etc. First for claim 1, Amos fails to teach that the frame includes grooves and a slot to receive one of the panels. Licciardi teaches a four sided frame (1; Fig. 6) with slots (11) and a groove (15) to receive one of the panels. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the frame of Amos by using an alternate means to attach one of the panels to the frame, i.e. using the slot/grooves of Licciardi therein instead of the means presently used, since these means

are functionally equivalent and either means would work equally well for supporting the panel in the cabinet. Furthermore, because of the ledges of the slot and grooves of Licciardi, this means would hold the panel of Amos in the frame in a more secure manner. Second, for claim 1, Amos fails to teach that the frame includes a game panel for the cabinet for use when it's in its vertical position. Huang teaches a frame (Fig. 1) with a game panel/dart board therein for use when the frame is vertically positioned. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the frame of Amos by providing one side the second panel with a dart board therein, to provide more game options with the table/frame.

Claims 1-5, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amos in view of Licciardi and Powell. Amos teaches a cabinet (Figs. 1 and 4) comprising: a first panel (40,48), a second panel with a game board thereon (14,72; board for chess or checkers) and a four sided frame (18,50). The cabinet can be arranged either horizontally to form a game table or vertically to form a wall picture. Various game boards/second panels (44) can be mounted on the first panel in its horizontal position, various objects are storable inside the cabinet and the panels are removable thereby forming an open-topped box suitable for other games such as dice, etc. First for claim 1, Amos fails to teach that the frame includes grooves and a slot to receive one of the panels. Licciardi teaches a four sided frame (1;Fig. 6) with slots (11) and a groove (15) to receive one of the panels. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the frame of Amos by using an alternate means to attach one of the panels to the frame, i.e. using the slot/grooves of

Licciardi therein instead of the means presently used, since these means are functionally equivalent and either means would work equally well for supporting the panel in the cabinet. Furthermore, because of the ledges of the slot and grooves of Licciardi, this means would hold the panel of Amos in the frame in a more secure manner. Second, for claim 1, Amos fails to teach that the frame includes a game panel for the cabinet for use when it's in its vertical position. Powell teaches a vertically mounted game panel/ foldable basketball hoop and board (Fig. 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the frame of Amos by providing one side of the second panel with a foldable basketball hoop thereon, to provide more game options with the table/frame.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amos in view of Huang and Powell. Amos teaches a cabinet (Figs. 1 and 4) comprising: a first panel (40,48), a second panel with a game board thereon (14,72; board for chess or checkers) and a four sided frame (18,50). The cabinet can be arranged either horizontally to form a game table or vertically to form a wall picture. Various game boards/second panels (44) can be mounted on the first panel in its horizontal position, various objects are storable inside the cabinet and the panels are removable thereby forming an open-topped box suitable for other games such as dice, etc. First for claim 9, Amos fails to teach that the frame includes a game panel for the cabinet for use when it's in its vertical position. Huang teaches a frame (Fig. 1) with a game panel/dart board thereon for use when the frame is vertically positioned. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the frame of Amos by

providing one side of one of the panels with a dart board thereon, to provide more games options with the table/frame. Second for claim 9, Amos fails to teach that the frame includes a second game panel for the cabinet for use when it's in its vertical position. Powell teaches a vertically mounted game panel/ foldable basketball hoop and board (Fig. 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the frame of Amos by providing the other side of one of the panels with a foldable basketball hoop thereon, to provide even more game options with the table/frame.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amos in view of Licciardi and Huang and Powell. Amos teaches a cabinet (Figs. 1 and 4) comprising: a first panel (40,48), a second panel with a game board thereon (14,72; board for chess or checkers) and a four sided frame (18,50). The cabinet can be arranged either horizontally to form a game table or vertically to form a wall picture. Various game boards/second panels (44) can be mounted on the first panel in its horizontal position, various objects are storable inside the cabinet and the panels are removable thereby forming an open-topped box suitable for other games such as dice, etc. First for claim 10, Amos fails to teach that the frame includes grooves and a slot to receive one of the panels. Licciardi teaches a four sided frame (1;Fig. 6) with slots (11) and a groove (15) to receive one of the panels. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the frame of Amos by using an alternate means to attach one of the panels to the frame, i.e. using the slot/grooves of Licciardi therein instead of the means presently used, since these means are

functionally equivalent and either means would work equally well for supporting the panel in the cabinet. Furthermore, because of the ledges of the slot and groves of Licciardi, this means would hold the panel of Amos in the frame in a more secure manner. Second, for claim 10, Amos fails to teach that the frame includes a game panel for the cabinet for use when it's in its vertical position. Huang teaches a frame (Fig. 1) with a game panel/dart board thereon for use when the frame is vertically positioned. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the frame of Amos by providing one side of one of the panels with a dart board thereon, to provide more games options with the table/frame. Third for claim 10, Amos fails to teach that the frame includes a second game panel for the cabinet for use when it's in its vertical position. Powell teaches a vertically mounted game panel/ foldable basketball hoop and board (Fig. 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the frame of Amos by providing the other of the sides of the panel with a foldable basketball hoop thereon, to provide even more game options with the table/frame.

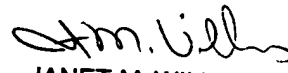
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (703)308-2204. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (703)308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3637

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wilkins
February 4, 2005


JANET M. WILKENS
PRIMARY EXAMINER
